

Remarks

In response to the Office Action dated October 11, 2007, Applicant respectfully requests reconsideration based on the above claim amendment and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance. Applicant asserts that all claims are in condition for allowance as set forth more fully below.

103 Rejections

Claims 1-3, 5-10, 12-14, 16-19 and 21 stand rejected under 35 USC §103(a) as being unpatentable over Stone (US Pat 5,767,778) in view of Sawada (U.S. Pat. 6,810,274) and further in view of Suzuki (US Pat 6,556,665). Claims 4, 11, 15 and 20 stand rejected under 35 USC §103(a) as being unpatentable over Stone in view of Sawada in view of Suzuki and Haraguchi (U.S. Pat. 6,597,279).

Claims 1-3, 5-10, 12-14 and 16-21

Applicant asserts that amended independent claims 1, 5-7, 12 and 16-21 recites subject matter not described by Stone, Sawada, Suzuki or their combination. As a representative sample, amended claim 1 recites in pertinent part:

“[a] battery assembly system for a cellular telephone, comprising...a first sound generating device...to play sound associated with the first sound file upon detection of an event at the cellular telephone other than an incoming telephone call...a second battery...to play sound associated with the second sound file upon detection of an event at the cellular telephone other than an incoming telephone call...”

On pages 3-4, the Office Action concedes that the combination of Stone and Sawada fails to describe “playing an alert associated with the first sound file/second sound file upon detection of an event other than an incoming communication”. The Office Action proceeds by asserting that Suzuki cures the deficiency of Stone. Specifically, the Office Action cites Suzuki as disclosing that when the audio alert is used as an alarm sound, a predetermined time is set as in the case of an alarm clock. When the predetermined time occurs, the CPU reads the audio signal out of memory. (Col. 4, l. 15-23).

However, Suzuki does not describe that the first sound generating device attached to the first battery is triggered to play a sound associated with the first sound file upon detection of a signal from the cellular telephone to the battery generated by an event at the cellular telephone other than an incoming telephone call. In fact, Suzuki fails to describe at all how the CPU is triggered to read the audio signal out of memory. Further, Sawada fails to address the issue. Therefore, since none of the cited references describe that the alert generating device is triggered to play an alert upon detection of a signal from the cellular telephone device to the battery generated by an event at the cellular telephone other than an incoming telephone call, their combination is also deficient.

Further, there is no motivation to combine Stone and Suzuki because Stone teaches away from detecting signals in order to produce a sound for a reason other than an incoming telephone call. For example, there would also be no reasonable chance of success even if Stone were modified to include a clock. Stone teaches that the microprocessor is programmed to minimize false alerts by restricting a generation of an alert to those events characterized by a certain duration of power consumption or a certain sequence of power consumption levels characteristic of an incoming call. (Col. 6, 1. 60, Col. 7, 1. 8). By restricting an alert to the detection of a certain pattern of consumption levels associated with an incoming call, Stone teaches away from producing an alert for events other than an incoming call. Stone only describes the power events of an incoming call. Therefore, merely adding a clock whereby an output indicates that an event has occurred would not be a series of power draws recognized by the processor (i.e. it would be a false alert) and an alert would not be generated. Therefore the modification would have no reasonable chance of success. A reasonable chance of success is required.
MPEP 2143.02.

Furthermore, since Stone describes only alarming on an incoming telephone call, a modification of Stone to ring for other events would be required and that would change the principle of operation of Stone. A proposed modification can not change the principal of operation of a reference. MPEP 2143.01.

For at least the above reasons, the amended independent claims 5-7, 12, 16-18 and 20-21 are allowable over the combination of Stone, Sawada and Suzuki. Claims 2-4, 8-

11, 13-15 and 19 depend from an allowable independent claim 1, 7, 12 or 18 and are allowable for at least the same reasons.

Claims 4, 11, 15 and 20

Amended independent claim 20 recites subject matter not described in the combination of Stone, Sawada, Suzuki and Haraguchi. As described above in regards to the amended independent claim 1, the combination of Stone, Sawada and Suzuki fails to describe that the sound file of the first sound generating device is activated upon receiving an electrical signal produced by the cellular telephone to the first battery upon detection of an event other than a telephone call by the cellular telephone and the sound file of the first sound generating device is activated upon receiving an electrical signal produced by the cellular telephone to the second battery upon detection of an event other than a telephone call by the cellular telephone.

Further, Haraguchi does not address the issue. Haraguchi is concerned with selecting a ring tone using a jog dial and a display. Haraguchi does cure the above deficiencies in the combination of Stone, Sawada and Suzuki. As such, the Office Action fails to establish a *prima facie* case of obviousness and amended independent claim 20 is allowable for at least this reason.

In regards to claims 4, 11 and 15, these claims depend from an allowable independent claim 1, 8 or 12 and are allowable for at least the same reasons discussed above in regards to amended independent claim 1.

Conclusion

Claims 1-21 are pending. Applicant respectfully asserts that claims 1-21 are in condition for allowance and requests reconsideration of the claims based on these amendments and arguments. Should the Examiner have any questions, please contact the undersigned.

No additional are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

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